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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		DN 02-011	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>May 6, 2010</u> Signature _____ Typed or printed name <u>Derek S. Jessen</u>		Application Number <u>10/525,686</u>	Filed <u>02/22/2005</u>
		First Named Inventor <u>Stefan KIRCHHOFF</u>	
		Art Unit <u>1791</u>	Examiner <u>David N. Brown II</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/>	applicant/inventor.	Derek S. Jessen	
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Typed or printed name	
<input type="checkbox"/>	attorney or agent of record. Registration number _____	610-861-3839	
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>48,213</u>	Telephone number	
<input checked="" type="checkbox"/>		May 6, 2010	
<input type="checkbox"/>		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

Attorney Docket No.: 02-011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Application No.:** 10/525,686

**Confirmation No.:** 9517

**In re application of:** Stefan KIRCHHOFF et al.

**Technology Center/Art Unit:**  
1791

**Filed:** 02/22/2005

**Examiner:** David N. Brown, II

**Docket No.:** DN 02-011

**Customer No.:** 67132

**Title:** METHOD FOR REPAIRING A  
PROTECTIVE LINING OF AN INDUSTRIAL  
REACTION OR TRANSPORT VESSEL

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Responsive to the Office Action dated January 6, 2010, please amend the above-identified application as follows:

**Remarks/Arguments** begin on page 2 of this paper.

PATENT

Attorney Docket No.: 02-011

**Remarks:**

Claims 1 - 15 are pending in the present application. Claims 1-15 are rejected.  
No new matter is added.

**Claim Rejection Under 35 U.S.C. § 103(a)**

Claims 1-7 and 10-15 are rejected under U.S.C. § 103(a) as being obvious over US Patent 4,107,244 (Ochiai) in view of US Patent Publication 2002/0158368 to Wirth (now U.S. Patent 6,780,351). Applicants respectfully traverse the rejection of the claims.

Applicant's claimed invention as amended is directed to a method for repairing a protective lining of a vessel which comprises the steps of comparing the measured residual thickness of the lining with a predetermined threshold value and assigning a binary value of "1" to areas of the lining having a thickness below the predetermined threshold value and assigning the binary value "0" to areas of the lining having a thickness equal to or higher than the predetermined threshold value (or vice versa) and in a second step combines discrete isolated areas having a thickness below the predetermined threshold value into adjacent combined areas of the lining to which the binary value for areas of the lining having a thickness below the predetermined threshold is assigned such that an adjacent combined area has a portion which was identified in the first step as having a binary value which indicated that the portion had a measured residual thickness which was equal to or higher than the predetermined threshold value, and in a third step computes the position and repair sequence of each of the combined areas and transfers the data to a repair device and monolithic lining material is applied onto the combined areas.

The step of combining discrete isolated areas can be seen in Fig. 3 as compared to Fig. 2. A comparison of the areas identified in Fig. 2 with the areas identified in Fig. 2 shows the following: by combining discrete isolated areas of the lining having a thickness less than a predetermined threshold value, portions of the lining which

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originally were designated as having a binary value which indicated that portion had a thickness which was equal to or greater than the predetermined threshold thickness value are now part of a combined area which has been assigned a binary value which indicates that the combined area has a thickness less than the predetermined threshold value. Therefore, in Applicant's method some areas which normally do not need to be repaired are repaired as can clearly be seen in Fig. 3. However, one of the benefits of Applicant's method is that the repair process can occur in a much shorter time on the whole even though areas which do not need to be repaired are repaired. This process step in Applicant's method is described in paragraph 19 of the specification as a defragmentation step.

On page 3 of the Office Action of January 6, 2010 the examiner admits that U.S. Patent to Ochiai 4,107,244 does not teach that an adjacent combined area has a portion that was identified as not needing repair according to a threshold value. Then, he opines in the Office Action that because the Wirth reference, Patent Publication 2002/0158368 teaches a matrix and assigns a value of 100 percent or 50 percent to the cells of a matrix that supposedly it would have been obvious to one of ordinary skill in the art to arrive at applicant's invention where discrete isolated areas are combined into an adjacent combined area such that the adjacent combined area to be repaired has a portion of it which was identified as not needing repair according to a threshold value.

Applicants submit that it does not follow that because Wirth in paragraph 46 teaches assigning a value to different cells in a matrix that therefore one would arrive at the present invention where discrete isolated areas are combined into an adjacent combined area such that the adjacent combined area to be repaired has a portion of it which was identified as not needing repair according to a threshold value.

Therefore, reconsideration of the rejected claims 1-7 and 10-15 and their allowance are respectfully requested.

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Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochiai as applied to claim 1 and in view of US Patent 4,690,328 (Roehl).

Applicants respectfully traverse the rejection of the claims.

In the rejection on page 6, the Roehl reference has been combined with the Ochiai reference on the grounds that Roehl allegedly teaches a tilting mechanism for a device applying refractory material and a spray nozzle. Applicants submit that in view of the above modifications of the Ochiai reference by the Roehl reference one of ordinary skill in the art still would not have arrived at applicants invention because the above claimed feature of a step of combining isolated areas into adjacent combined areas which are assigned a binary value the same as the isolated areas is still not present in the combination such that an adjacent combined area has a portion which was identified in the first step as having a binary value which indicated that the portion had a measured residual thickness which was equal to or higher than the predetermined threshold thickness value.

Therefore, reconsideration of the rejected claims 8 and 9 and their allowance are respectfully requested.

Applicants respectfully request reconsideration of the rejections set forth in the Office Action of January 6, 2010. In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance.

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The Assistant Commissioner for Patents is hereby authorized to charge Deposit Account 13-3639 any additional fees or to credit any excess payment that may be associated with this communication.

Respectfully submitted,

Dated: May 6, 2010

  
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